

REMARKS/ARGUMENTS

Claim Amendments

Applicant has amended claims 3, 34-37, 39-46, and 51-60 to delete the term “further.”

Applicant has amended claims 1, 38 and 47 to delete the phrase “or a functional equivalent thereof which is at least 95% homologous to,” in favor of “or a PARP homologue having at least 85% identity with.” Support for the claim amendments can be found at least in pages 18 – 22 of the original specification.

Applicant has presented new claim 61. Support for new claim 61 can be found at least in claim 1 and throughout the disclosure.

No new matter has been entered.

Rejections under 35 USC §112, second paragraph

Claims 3, 34-37, 39-46 and 51-60 stand rejected as allegedly indefinite. More specifically the Office action asserted that the recitation “further comprising” rendered the claims unclear. While not agreeing with the grounds of the rejection, for purposes of advancing prosecution, Applicant has amended the above-identified claims and several others to delete the phrase “further comprising.”

Withdrawal of the rejection is respectfully requested.

Rejections under 35 USC §112, first paragraph

1.) Claims 1-3 and 33-60 stand rejected as allegedly failing to comply with the written description requirement. More specifically, the Office Action asserted that “the newly added recitation to at least 95% homologous to human PARP2 (SEQ ID NO:2) is not supported by applicants specification at the time of filing and is thus considered new matter.”

While not agreeing with the grounds of the rejection, for purposes of advancing prosecution, Applicant has amended the above-identified claims and to recite “a PARP homologue having at least 85% identity with human PARP2 (SEQ ID NO: 2),” thereby rendering the rejection moot. As previously indicated, support for the claim amendments can be found at least at pages 18 – 22 of the original specification.

Application No.: 09/701,586
Inventor: Kock et al.
Docket No.: 49100

2.) Claims 1-3 and 33-60 stand rejected as allegedly not being reasonably enabled for “any poly(ADP-ribose) polymerase (PARP) homolog and functional equivalents thereof which is at least 95% homologous to Human PARP2.”

Applicant has amended independent claims 1, 38 and 47 to recite “a PARP homologue having at least 85% identity with human PARP2 (SEQ ID NO: 2).” As previously indicated, support for the claim amendment can be found at least at pages 18 – 20 of the original specification.

Applicant respectfully submits that in view of the direction provided by the instant disclosure and that knowledge available to an ordinarily skilled artisan at the time the invention was made, such artisan would be sufficiently enabled to make and use the invention without undue experimentation. Along this line, Applicant has included, in its Appendix section, a copy of the publication “Improved Tools for Biological Sequence Comparison,” which sets forth that the FASTA program, described at page 19 of the originally filed specification, was a well known and commonly used algorithm for purposes of searching sequence databases, comparing protein and DNA sequences, and calculating percent identity.

In view of the above, withdrawal of the rejection is courteously requested.

Application No.: 09/701,586
Inventor: Kock et al.
Docket No.: 49100

Conclusion

Applicant respectfully submits that the present application is in condition for allowance, which action is courteously requested. Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account 14.1437. Please credit any excess fees to such account.

Respectfully submitted,
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Application No.: 09/701,586
Inventor: Kock et al.
Docket No.: 49100

Appendix